

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A )  
JUDGE, NO. 02-487 )  
\_\_\_\_\_)

Supreme Court  
Case No. SC03-1171

**RESPONDENT'S RESPONSE TO  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S  
FOURTH SET OF INTERROGATORIES TO RESPONDENT**

Respondent, Honorable Gregory P. Holder, replies to the following Interrogatories propounded by The Florida Judicial Qualifications Commission, pursuant to Rule 12(a) of the Rules of the Judicial Qualifications Commission, and Rule 1. 340, Florida Rules of Civil Procedure, as follows:

- 1) State the names and addresses of all persons who are believed or known by you, your agents or attorneys to have any knowledge of the facts relating to the charges alleged in the Notice of Formal Charges or Answer or defenses thereto and, as to each such person, specify the subject matter about which the person has knowledge.

Answer:

Detective James Bartoszak, Confidential; the defense believes that this witness's knowledge includes information regarding Judge Holder's being a participant in an undercover corruption investigation.

Jeffrey J. Del Fuoco, US Army (Reserve), Assistant U.S. Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602; the defense believes that this witness's knowledge includes information regarding the circumstances surrounding his obtaining Exhibits A and B, the location of related materials, the disposition of the documents from his receipt until forwarding to Jeffrey S. Downing, a colleague, testimony regarding a packet of documents purportedly "discovered" in October of 2003 and forwarded to the Air Force and JQC, and related matters.

Col. Howard Donaldson, ASAF (Ret.), 2615 Rossmere Street, Colorado Springs, CO 80919; the defense believes that this witness's knowledge includes information regarding substantive Air Force matters.

Jeffrey S. Downing, Assistant U.S. Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602; the defense believes that this witness's knowledge includes information regarding the circumstances surrounding his receipt of Exhibits A and B, the location of related materials, the disposition of the documents from his receipt until forwarding to the Air Force, and testimony regarding a packet of documents received in October of 2003 from Del Fuoco and forwarded to the Air Force and JQC.

Lt. Col. E. David Hoard, Assistant Deputy General Counsel for Installations and Environment, Office of General Counsel to Secretary of the Air Force, Address unknown; the defense believes that this witness's knowledge includes information regarding an AWC paper he wrote on a topic similar to the one chosen by Judge Holder and confirming that he "faxed" a copy of this paper to Judge Holder on September 5, 1997.

Gregory P. Holder, 800 East Twiggs St., Room 511, Tampa, FL 33602; witness has knowledge concerning, among other things, researching and writing his paper and submitting it to the USAF AWC on or about 5 Jan 98.

Lt. Col. Charles A. Howard, USAF, 325 Chennault Circle, Maxwell AFB, Alabama 36112-6427; the defense believes that this witness's knowledge includes information regarding confirmation of the attendance of Judge Holder, James C. Russick, and Mary V. Perry in the AWC seminar at MacDill AFB in 1997-98, explaining the AWC grading process, confirming that the Air Force has not retained Holder's original AWC paper (Exhibit A to the Notice of Formal Changes) or the grader's correspondence to Judge Holder, and confirming that the Air Force is unable to authenticate Exhibit A as the AWC paper submitted by

Holder in January 1998 (by deposition November 19, 2003).

Lt. Col. William O. Howe, Jr., USAF, Start Nuclear Division, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Ft. Belvoir, VA 222060; the defense believes that this witness's knowledge includes information regarding the AWC grading process and the inability to authenticate Exhibit A and related exhibits.

Lt. Col. Lauren Johnson-Naumann, USAF, Military Defense Counsel ; 5th AF/JA, Unit 5068, APO, AP 96328; the defense believes that this witness's knowledge includes information regarding substantive Air Force matters.

Kenneth E. Lawson, Esq., Assistant U.S. Attorney, 400 N. Tampa Street, Suite 3200, Tampa, Florida 33602; the defense believes that this witness's knowledge includes information regarding his receipt and review of Judge Holder's and David Hoard's AWC papers in January 1998, his review of those documents, and his dispute of certain statements by Jeffrey Del Fuoco.

Col. David M. Leta, USAFR, Assistant U.S. Attorney, 75 Spring Street, Suite 600, Atlanta GA 30303; the defense believes that this witness's knowledge includes information regarding the investigation conducted by him.

Brad Lutz, Hillsborough County Courthouse, 700 E. Twiggs St., Tampa, FL 33602; the defense believes that this witness, as network administrator, has knowledge regarding the computer system and back- up tapes at the Hillsborough County Courthouse.

Col. Dixie Morrow, USAF, 5104 Mandavilla Blvd, Gulf Breeze, FL 32563; the defense believes that this witness's knowledge includes information regarding the Air War College seminars which she attended, conversations with Judge Holder regarding writing the AWC paper and problems encountered, and practices of AWC students.

Sylvia B. Morgan, 800 East Twiggs St., Room 511, Tampa, FL 33602; the defense believes that this witness's knowledge includes information regarding witnessing Judge Holder researching and writing the paper submitted to the AWC in January 1998, Courthouse security issues, and the provision of Judge Holder's paper to Ken Lawson.

Lorraine Nasco, c/o Douglas J. Titus, Jr., Esq., 100 S. Ashley Street, Suite 1290, Tampa FL 33602; the defense believes that this witness's knowledge includes information regarding Judge Holder's drafting, her typing, his editing, and the finalization of the AWC paper submitted to the Air Force in January 1998.

Colonel John Odom, USAF, 301 Gladstone Blvd., Shreveport, LA 71104; the defense believes that this witness's knowledge includes information regarding substantive Air Force matters.

Col. Mary V. Perry, USAF, North Atlantic Treaty Organization, Room T-2034, Boulevard Leopold III, B-1110 Brussels Belgium; the defense believes that this witness's knowledge includes information regarding the Air War College seminars which she attended with Judge Holder, the AWC paper she wrote and submitted, and persons to whom she gave a copy of her paper.

Col. John J. Powers, ASAF, 112 Luke Ave., Ste 301, Bolling AFB, D.C. 20032-5113 ; the defense believes that this witness's knowledge includes information regarding substantive Air Force matters.

James C. Russick, Esq., Lt. Col. USAFR (Retired), 100 S. Ashley Street, Suite 700, Tampa FL 33602; the defense believes that this witness's knowledge includes information regarding participation in the AWC seminar with Judge Holder and Col. Perry, researching for the AWC paper at MacDill AFB library with Judge Holder, and regarding the Air War College paper that Judge Holder submitted to the Air Force and which Mr. Russick reviewed at that time.

Becki Stafford, Hillsborough County Courthouse, 700 E. Twiggs St., Tampa, FL 33602; the defense believes that this witness has knowledge regarding the computer system at the Hillsborough County Courthouse.

Detective Dolvin "Bill" Todd, Confidential; the defense believes that this witness's knowledge includes information regarding Judge Holder's being a participant in an undercover investigation.

John S. Vento, Esq., Colonel, USAFR, 101 East Kennedy Blvd., Suite 2700, Tampa, FL 33602; the defense believes that this witness's knowledge includes information regarding the Air War College paper which Judge Holder submitted to the Air Force and which Mr. Vento reviewed at that time and testimony regarding the thrust of AWC research and his AWC submission.

Patricia T. Williams and/or Walter Williams, 4733 Rittiman Road, San Antonio, TX 78218; the defense believes that this witness's knowledge includes information regarding the facility of computer assisted printing and graphic reproduction techniques.

2) State the names and addresses of all witnesses whose testimony you expect to offer on your behalf at the hearing before the Hearing Panel and, as to each such person, specify the subject matter of their testimony.

Answer:

Kevin C. Ambler, Esq., Major, USAFR, Florida State Representative, Park Tower, 400 N. Tampa St., Ste. 1100, Tampa, FL 33602; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Detective James Bartoszak, See answer to Interrogatory No. 1, above.

Honorable Emmett Lamar Battles, Hillsborough County Courthouse, 800 East Twiggs St., Room 524, Tampa, FL 33602; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Mark P. Buell, Esq., 3003 W. Azeele St., Ste. 100, Tampa, FL 33609; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Honorable Martha J. Cook, 800 Twiggs St., Room 414, Tampa, FL 33602; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Clifton C. Curry, Jr., Esq., 750 W. Lumsden Rd., Brandon, FL 33509; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Jeffrey J. Del Fuoco, See answer to Interrogatory No. 1, above.

Col. Howard Donaldson, ASAF (Ret.), See answer to Interrogatory No. 1, above. This witness may also testify as to the character of Judge Holder.

Jeffrey S. Downing, Assistant U.S. Attorney, See answer to Interrogatory No. 1, above.

Thomas M. Gonzalez, Esq., 501 E. Kennedy Blvd., Ste. 1400, Tampa, FL 33602; the defense expects this witness to testify as to the judicial performance and/or character of Judge Holder.

Gregory P. Holder, See answer to Interrogatory No. 1, above.

Lt. Col. Charles A. Howard, USAF, See answer to Interrogatory No. 1, above.

Lt. Col. William O. Howe, Jr., USAF, See answer to Interrogatory No. 1, above.

Kenneth E. Lawson, Esq., See answer to Interrogatory No. 1, above.

Honorable William P. Levens, Hillsborough County Courthouse, 800 E. Twiggs St., Room 520, Tampa, FL 33602; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Honorable James S. Moody, Jr., 801 N. Florida Ave., Tampa, FL 33602; the defense expects this witness to testify as to the character and/or judicial performance of Judge Holder.

Col. Dixie Morrow, USAF, See answer to Interrogatory No. 1, above.

Sylvia B. Morgan, See answer to Interrogatory No. 1, above.

Lorraine Nasco, See answer to Interrogatory No. 1, above.

Col. Mary V. Perry, USAF, See answer to Interrogatory No. 1, above.

Col. John J. Powers, ASAF, See answer to Interrogatory No. 1, above. This witness may also testify as to the character of Judge Holder.

Major General Frank Ragano, U.S. Army (Retired), 577 Garnet Rock Trail #44Highlands, NC 23741; the defense expects this witness to testify as to War College practices, the Uniform Code of Military Justice, and military administrative law.

James C. Russick, Esq./ Lt Col USAFR (Retired), See answer to Interrogatory No. 1, above.

Timon V. Sullivan, Esq., 113 S. Armenia Ave., Tampa, FL 33609; the defense expects this witness to testify as to the judicial performance and/or character of Judge Holder.

Detective Dolvin “Bill” Todd, See answer to Interrogatory No. 1, above.

John S. Vento, Esq., Colonel, USAFR, See answer to Interrogatory No. 1, above.

Bill Wagner, Esq., 601 Bayshore Blvd., Ste. 910, Tampa, FL 33606-2761; the defense expects this witness to testify as to the judicial performance and/or character of Judge Holder.

Patricia T. Williams and/or Walter Williams, See answer to Interrogatory No. 1, above.

Robert V. Williams, Esq., 201 N. Franklin St., Ste. 2600, Tampa, FL 33602; the defense expects this witness to testify as to the judicial performance and/or character of Judge Holder.

C. Steven Yerrid, Esq., 101 E. Kennedy Blvd., Ste. 3910, Tampa, FL 33602; the defense expects this witness to testify as to the judicial performance and/or character of Judge Holder.

3) State the names and addresses of each person whom you expect to call as an expert witness at the hearing before the Hearing Panel and, as to each, state:

Answer: Michael S. Musial,  
3908 Tudor Court,  
Apt. 174,  
Tampa, FL 33614

a. The subject matter on which the expert is expected to testify;

Answer:

Mr. Musial is a computer technical specialist and will testify regarding computer networks, such as that utilized at the Hillsborough County courthouse, and the ease with which a document can be created, entered into, and preserved in the system with a manipulated date. He will also testify as to record preservation and the effect on the document's original created format caused by backing up the document in the system.

- b. the substance of the facts and opinions to which the expert is expected to testify; and

Answer:

Mr. Musial will testify that by manipulating a computer, a document may be created and entered into a network system with any past, present, or future date. He will also testify that saving a document and storing it in a backup mode will not change the original format.

- c. a summary of the grounds for each opinion.

Answer:

Mr. Musial demonstrated in his deposition the ease with which a document may be created and saved with a date different from the actual date of creation. His testimony as to the effect of storage and retrieval of a document on a backup system as to the original format is based on his personal experience designing systems and as the network administrator in a law firm.



AFFIDAVIT

STATE OF FLORIDA )  
 )  
 )ss  
COUNTY OF HILLSBOROUGH )

Gregory P. Holder, being first duly sworn, deposes and says that he has reviewed the foregoing answers to interrogatories, and that said answers are true and correct.

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Gregory P. Holder

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
Affiant ( ) is personally known to me or ( ) produced a current Florida  
driver's license as identification, number \_\_\_\_\_.

Signature of person taking oath

Name, typed, printed or stamped

NOTARY PUBLIC, STATE OF FLORIDA

Commission Number:\_\_\_\_\_

My Commission Expires:\_\_\_\_\_

Certificate of Service

I certify that on May 26, 2004, Respondent's Response to the Florida Judicial Qualifications Commission's Fourth Set of Interrogatories was served, by facsimile and United States Mail on: JQC Special Counsel, Charles P. Pillans, III, Esq., Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202; and to JQC General Counsel, Thomas C. MacDonald, Jr., 1904 Holly Lane, Tampa, FL 33629. The original Response, together with a diskette containing the document in Word Perfect format, 14 point New Times Roman font, has been sent by Federal Express for filing to Thomas D. Hall, Clerk of the Court, Florida Supreme Court, 500 S. Duval Street, Tallahassee FL 32399-1927.

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